

INSTRUCTIONS FOR FCC 386

DIGITAL CHANNEL ELECTION

FOR TELEVISION BROADCAST STATION:

THIRD ROUND ELECTION

GENERAL INSTRUCTIONS

- A. This FCC Form is to be used by full power TV broadcast licensees and permittees (hereinafter referred to collectively as “licensees”) participating in the channel election process in order to identify an in-core Digital Television (DTV) Channel for post-transition DTV operation. Specifically, the purpose of this FCC Form 386, Third Round Election Form, is for any licensees that have not received a tentative channel designation by this time to make a channel election. In addition, licensees that have received a tentative channel designation for a low VHF channel (*i.e.*, channel 2 through 6) or a channel subject to international coordination issues may use this form to seek an alternate tentative channel designation. A separate form should be filed for every full power TV broadcast station either licensed or with a construction permit. No fee is required for submission of this form.
- B. This FCC Form must be filed by **[insert date]**. All TV broadcast licensees required to participate in the third round of elections of the digital channel election process must file this FCC Form. Licensees that do not submit this FCC Form by the deadline will be assigned a channel by the Commission for post-transition DTV operation. (Such assignment may be made at the end of the channel election process.)
- C. This form makes references to FCC rules. Licensees should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.) Part 73 “Television Broadcast Services”.
- FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.
- D. The licensee must ensure that the Facility ID Number, Call Sign, and the Channel information are accurate.
- E. This form must be filed electronically through the Media

Bureau’s Consolidated Database System (CDBS) online electronic forms system. Instructions for use of the electronic filing system are available in the CDBS User’s Guide, which can be accessed from the electronic filing web site at: <http://www.fcc.gov/mb/elecfile.html>. For assistance with electronic filing, call the Video Services Division Help Desk at 418-2662.

- F. The licensee must sign the form. Depending on the nature of the licensee, the form should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the form for his or her client, but only in cases of the licensee’s disability or absence from the United States. *See* 47 C.F.R. § 73.3513. Because the form is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998).
- G. The licensee should provide all information requested by this form. Defective or incomplete forms will not be accepted. Inadvertently accepted forms are also subject to dismissal. *See* 47 C.F.R. § 73.3564(b).

INSTRUCTIONS FOR SECTION I:
GENERAL INFORMATION

Licensee/Permittee Information.

- Item 1: Licensee or Permittee Name.** The name of the licensee or permittee must be stated exactly in Item 1. If the licensee is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person’s full legal name.

Licensees should use only those state abbreviations approved by the U.S. Postal Service.

Station/Facility Information.

2. **Item 2: FCC Registration Number (FRN).** To comply with the Debt Collection Improvement Act of 1996, the licensee must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Call Sign. Licensee must enter the current call sign for its NTSC (analog) station or, if the licensee does not have an NTSC station, for its DTV (digital) station.

Facility ID Number. TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can obtain your TV Facility ID Number by calling: (202) 418-1600. Further, the Facility ID Number is now included on all TV authorizations and postcards. In addition, provide the name of the community of license and the state where the station is providing service.

Community of License. Licensee must provide the City and State for its station's community of license.

3. **Item 3: Currently Assigned Channels (Digital and Analog).** For "3.a.," stations must indicate the number of their currently assigned DTV channel. For "3.b.," stations must indicate the number of their currently assigned NTSC (analog) channel. Single channel broadcasters should indicate "Not Applicable," where appropriate. (Stations must indicate their currently assigned channels even if they have released post-transition rights to such channels.)

Contact Information.

4. **Item 4: Contact Representative.** If the licensee is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified here.

Purpose of Form.

5. **Item 5: Purpose of filing.** Licensees making a channel election must select "5.a." Licensees filing an amendment to their channel election must select "5.b." This FCC Form, whether as a channel election or amendment, will not be accepted after the filing deadline.

CHANNEL ELECTION

NOTE: Except for licensees that have received a tentative channel designation for a low VHF channel (*i.e.*, channel 2 through 6) or a channel subject to international coordination issues, as described in Item 3, licensees that received a tentative channel designation through the first or second round of elections may not make a third round election and must not file this form.

Third Round Channel Election.

- Item 1: Status.** Only the following types of licensees may make a channel election in the third round of elections: (a) licensees that have not received a tentative channel designation for post-transition DTV operations in either the first or second round of elections, or (b) licensees with a tentative channel designation for a low VHF channel (*i.e.*, channel 2 through 6) or a channel subject to (or adversely affected by) international coordination issues. A licensee in status "1.b." must provide the number of its tentative channel designation. (If the alternate channel elected in this Third Round can be accommodated, post-transition rights to the licensee's tentative channel designation will be released.)
- Item 2: Channel Election.** Third round electors have three choices. The licensee may (a) make a channel election based on available channels; (b) elect a negotiated channel pursuant to an agreement with another licensee(s); or (c) request that the Commission determine and select a "best available" channel for the licensee in this round. If making an election, licensee must input its desired channel number, where indicated.

Licensees electing a channel must select "2.a.," and must indicate their desired channel number. If the licensee elects a channel that conflicts with a DTV channel tentatively designated for post-transition use by another station, the Commission will determine and select the best available channel for the licensee.

Licensees making a channel election through a proposed negotiated channel election arrangement must select "2.b."

Licensees requesting that the Commission determine and select a "best available" channel for them in this round must select "2.c."

Negotiated Channel Election Arrangements. Licensees making a channel election pursuant to a Negotiated Channel Election Arrangement must choose "2.b." on the form. Licensees must accordingly indicate the negotiated channel number on the form. Note that the negotiated channel election is valid only upon Commission approval.

INSTRUCTIONS FOR SECTION II:

Licenses must also complete Schedule A for negotiated channel election arrangements. Licenses participating in a negotiated channel election arrangement must provide on Schedule A the name(s) and call sign(s) of all parties (licensees/permittees) to the negotiated arrangement. Submission of Schedule A constitutes certification that all parties listed have agreed to the negotiated channel election arrangement. The Commission may request submission of a copy of the Negotiated Channel Election Arrangement signed by all parties, if needed. The Commission will review the negotiated arrangement for anti-competitive effects. The negotiated arrangement must also comply with 47 C.F.R. § 73.623(g). All parties to the Negotiated Channel Election Arrangement must supply their proposed facility's engineering information upon request.

Pending Channel Change Requests. Licenses for which the Commission has issued a Notice of Proposed Rulemaking with respect to a channel change request may elect the new channel proposed in the NPRM.

International Coordination.

3. Item 3: International Coordination Pending Issue.

Licensee must answer whether it is electing a channel that is subject to a pending international coordination issue. This is not a broad inquiry as to whether the channel is subject to coordination, but rather a narrow question to determine whether an international coordination issue is preventing the licensee from obtaining its desired facilities.

If yes, licensee must attach as an Exhibit to this form an explanation about its pending international coordination issue.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the form to determine the ultimate channel to be awarded for post-transition DTV operation. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you file an incomplete form, the form may be returned without action having been taken upon it. Your response is required to participate in the digital channel election process.

We have estimated that each response to this collection of information will take from minutes to hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-####), Washington, DC 20554. We will also accept your comments via the Internet if you send them to Leslie.Smith@fcc.gov. Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-####.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

INSTRUCTIONS FOR FCC 386 SCHEDULE A
SCHEDULE A
FOR NEGOTIATED CHANNEL ELECTION ARRANGEMENTS:

SCHEDULE A INSTRUCTIONS

- A. This Schedule A is to be used with FCC Form 384, the Digital Channel Election for Television Broadcast Station: First Round Election. Complete this Schedule if involved in a negotiated channel election arrangement.
- B. Submission of this Schedule constitutes certifications that all parties listed in Item 1 have agreed to the negotiated channel election arrangement.
1. **Item 1:** List of Parties to Arrangement. Licensee/permittee must provide the name(s), call sign(s) and facility ID number(s) of all parties involved in the negotiated channel election arrangement.
2. **Item 2:** Additional Submissions. Licensee/permittee must provide a copy of the Negotiated Channel Election Arrangement and/or engineering information to the FCC upon request.

NOTE: The negotiated channel election is valid only upon Commission approval. The Commission will review the negotiated arrangement for anti-competitive effects and significant levels of interference that would affect service to viewers. The negotiated arrangement must also comply with 47 C.F.R. § 73.623(g).

See the FCC Form 386 Main Form Instructions for public burden estimate.

FCC 386

FOR
FCC
USE
ONLY

DIGITAL CHANNEL ELECTION FORM THIRD ROUND ELECTION

Must Be Filed by [DATE]

FOR COMMISSION USE ONLY
FILE NO.

**PLEASE READ INSTRUCTIONS BEFORE
COMPLETING THIS FORM**

SECTION I - GENERAL INFORMATION

Licensee/Permittee Information

1. Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Station/Facility Information

2. FCC Registration Number	
Call Sign	Facility ID Number
Community of License: City	State

3. Currently Assigned Channels:

- a. DTV Channel Not Applicable
- b. NTSC Channel Not Applicable

Contact Information (if different from licensee/permittee)

4. Contact Representative	Firm or Company Name	
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Purpose of Form:

5. The purpose of the channel election process is for television broadcast licensees and permittees to select an in-core channel (*i.e.*, channels 2-51) for their post-transition DTV operation. The purpose of the Third Round Election Form is for any licensee/permittee that has not received a tentative channel designation by this time to make a channel election. In addition, licensees/permittees with a tentative channel designation for a low VHF channel (*i.e.*, 2-6) or a channel subject to international coordination issues may use this form to make an alternate channel election. **(SELECT ONE)**

- a. Channel Election b. Amendment

SECTION II -- CHANNEL ELECTION

All television broadcast licensees and permittees participating in the digital channel election process are required to file a channel election form. Licensees/permittees that do not submit a required channel election form by the deadline on page one will be assigned a channel by the Commission for post-transition DTV operation.

Third Round Channel Election

1. Status: (SELECT ONE)

Licensee/permittee has not received a tentative channel designation for post-transition DTV operation through the channel election process.

Licensee/permittee has received a tentative channel designation for post-transition DTV operation, but requests an alternate election because its current tentative channel designation is for a low VHF channel or a channel subject to (or adversely affected by) international coordination issues.

(Licensee/permittee must provide the number of its tentative channel designation here.)

If the alternate channel elected below can be accommodated, post-transition rights to the tentative channel designation will be released.

2. Channel Election: (SELECT ONE)

a. Licensee/permittee makes the following channel election:

(indicate number of in-core channel preference for final DTV operation based on available channels here).

b. Licensee/permittee has entered into a Negotiated Channel Election Arrangement and, accordingly, makes the following channel election, subject to Commission approval:

(indicate in-core channel number for final DTV operation here).

Licensee/Permittee must complete Schedule A.

c. Licensee/permittee requests that the Commission determine and select a "best available" channel for the licensee/permittee in this round, and hereby surrenders any rights to elect a channel for post-transition DTV operation.

International Coordination:

3. Is the licensee/permittee electing a channel that is subject to a pending international coordination issue?

YES

NO

If yes, licensee/permittee must attach an explanation as an Exhibit to this form.

Exhibit No.

SECTION III

I certify that the statements in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this election form. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT
 (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT
 (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

ELECTION FORM SCHEDULE A

SCHEDULE FOR NEGOTIATED CHANNEL ELECTION

Licensees/permittees involved in a negotiated channel election arrangement must complete this Schedule. The purpose of this Schedule is for licensees/permittees to provide details concerning their negotiated channel election arrangements.

- 1. Licensee/permittee has entered into a negotiated channel election arrangement with the following licensee(s)/permittee(s): (provide name(s) and call sign(s) as necessary)

	Licensee/Permittee Name	Call Sign	Facility I.D. No.
a.			
b.			
c.			
d.			
e.			
f.			
g.			

- 2. Licensee/permittee must provide a copy of the Negotiated Channel Election Arrangement and/or engineering information to the FCC upon request.